regulate such matters deprives a person of a constitutional right without due process of law. *State v. Loomis*, 115 Mo. 307; *Com. v. Perry*, 155 Mass. 117. It is unconstitutional where it subjects to criminal prosecution. *Stone v. Miss.*, 101 U. S. 814; *Re Jacobs*, 98 N. Y. 98. Nor is the statute a police regulation, for it does not expressly or impliedly promote the public health, welfare, comfort, or safety. *Re Jacobs, supra.* Whether the statute in question was unconstitutional, as being class legislation, is not considered in this case. It was so considered in two parallel cases. *State v. Tolle*, 71 Mo. 645; *Lippeman v. People*, 175 Ill. 106.

CONSTITUTIONAL LAW—STATUTES OF LIMITATIONS—JUDGMENTS.—LAMB V. POWDER RIVER LIVE STOCK CO., 132 FED. 434.—A statute which prescribes a general limitation of six years for all actions on foreign judgments, and, by proviso, declares three months to be the limitation, if the judgment upon which the said action is commenced is based on a cause of action which accrued more than six years prior to the commencement of said action upon the judgment, *held*, unconstitutional, as imposing in the proviso, an unreasonable limitation upon a contract.

A statute impairing the remedy upon a contract impairs the obligation of a contract and is unconstitutional. 2 *Story on Const.* §1385. An action upon a judgment may indirectly be a remedy upon a contract. But a statute limiting the time in which to bring an action does not impair the obligation of contract, if it is reasonable. *Antoni v. Greenhow*, 107 U. S. 769. It is primarily the province of the legislature to determine what a reasonable time is. *Smith v. Morrison*, 22 Pick. 433; *Jackson v. Lamphire*, 3 Peter 280. But courts are not hesitant in deciding for themselves, taking all the circumstances into account. *Koshkonong v. Burton*, 104 U. S. 675; *Wynn v. Stone*, 69 Miss. 80.

CRIMINAL LAW—HOMICIDE—REMARKS BY COUNSEL TO THE JURY.—POWERS V. COMMONWEALTH, 83 S. W. 146, (KY.).—Defendant and H. were jointly indicted for conspiracy to murder. It was the theory of the state that H. fired the fatal shot. On the separate trial of defendant the prosecuting attorney stated that "H. was not hung but eleven of the twelve jurors who tried him were in favor of hanging him, and one was for life imprisonment and the eleven had to come to one." The motion to exclude this was overruled by the court. *Held*, that the error of the court in not sustaining the motion was prejudicial. Paynter, Hobson, and Nunn, JJ., *dissenting*.

By this decision the court reverses its decision in *Parrott v. Commonwealth*, 20 Ky. Law Rep. 764, where it was said: "The bill of exceptions does not contain the connection in which these words were spoken. It may have been in reply to some argument of the counsel for the appellant and, if so, it might have been proper." Error to be available must fully appear by the record since the record is the only authentic evidence of the trial court proceedings. *Railroad v. Goyette*, 133 Ill. 21; *Farrand v. Aldrich*, 85 Mich. 393; *Cecconi v. Rodden*, 147 Mass. 164.

CRIMINAL LAW—MISCONDUCT OF JURY—NEW TRIAL.—MANN V. STATE, 83 S. W. 195, (TEX.)—The conduct of a juror in telling the jury, in the jury room, that defendant had hit prosecutor on the head with an ax-handle on a former occasion, *held*, ground for a new trial.

It is misconduct on the part of a juror to give testimony to his associates in the jury room. *Richards v. State*, 36 Neb. 17; *Ellis v. State*, 33 Tex. Cr.